



AF-2

Docket 83171PAL
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Susan T. Tingey, et al

PACKAGE AND METHOD OF
MAKING SAME FOR STORING
AND DISPLAYING PRODUCT

Serial No. 10/023,383

Filed December 17, 2001

Group Art Unit: 3728

Examiner: Jila M. Mohandesi

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Robin G. DePoint
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May 31, 2006
Date

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Sir:

APPELLANT'S REPLY BRIEF

This is in reply to the Examiner's Answer of March 31, 2006.

The Examiner's Answer raises a new issue in the identification of the reusable container of the claim as the inner shell 20 of the package of Hakun et al. It is respectfully urged that the single sheet of the inner shell can not be a "container" for containing at least one unit of product and displaying said product. It is the back sheet of the Hakun package. A product in the concave portion of the inner shell if displayed would fall out and not be displayed. The inner shell 20 can hardly be a "container" for something on the convex side.

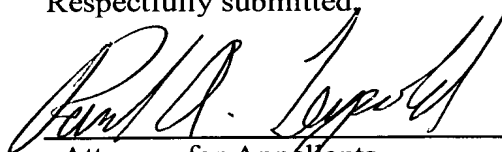
Claim 1 is drawn to a package for storing and displaying product that includes a reusable product container. The Examiner can not say the inner sheet 20 is a container when its use in Hakun is not as a container but as the back sheet. In Hakun the inner shell 20 is, when on display, inside the stocking mask M, hardly acting as a container. While the inner shell, if separated from the package could be a candy dish-like

container, in the Hakun display package it is not a container. Therefore, Hakun does not anticipate the claimed invention.

It is respectfully urged that a reasonable reading of Hakun does not meet any reasonable interpretation of claim 1.

It is respectfully requested that the Board of Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of claims 1 and 7

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", is written over a horizontal line.

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Enclosures

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.